

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

102

CRA-S-3613-2024

Date of Decision : November 07, 2024

ROHTASH

-APPELLANT

V/S

STATE OF HARYANA AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Vijay Sharma, Advocate and
Mr. Ankit Kundu, Advocate
for the appellant.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Arjun Sheoran, Advocate with
Mr. Rohan Gupta, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant appeal, the appellant assails the order dated 30.10.2024, whereby, the learned Additional Sessions Judge, Jhajjar, has declined to grant him anticipatory bail, in case FIR No.181 dated 16.06.2022, under Sections 294, 500, 506 of the IPC, and, Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act'), registered at P.S. Salhawas, District Jhajjar.

2. Before the learned senior counsel for the appellant could open his arguments, the learned counsel for the respondent No.2 interjected and addressed his arguments, thus vociferously opposing the grant of anticipatory bail to the appellant. He argued that, since the

appellant has used foul language against the complainant on a Whatsapp group and also extended threats to him, therefore, offence under Section 3(2)(va) of the SC/ST Act is made out against him. Consequently, the statutory bar enclosed in Section 18 of the SC/ST Act would come into operation, thereby disentitling the appellant from claiming the relief of anticipatory bail.

3. This Court heard the arguments addressed by the learned counsel for the respondent No.2 at length, and thereafter, the learned senior counsel for the appellant pitched his arguments.

4. By drawing attention of this Court towards Annexure P-11, wherein, becomes enclosed a status report filed by the investigating agency, before the learned Additional Sessions Judge concerned, at the time of adjudication of appellant's anticipatory bail application, the learned senior counsel for the appellant argued that, in Annexure P-11 becomes voiced a clear statement that, as per FSL Report, no SMS/Whatsapp Message is found to have been made from the mobile concerned. Consequently, he argued that, neither any message carrying foul language was made by the appellant, nor any threat was extended by him, rather the allegations are false and concocted. Concluding his arguments, he argued that, the appellant is a government employee and the present FIR derived its origin from a previous dispute between parties.

5. The issue(s) raised by the learned senior counsel for the appellant needs consideration. Although this Court is well aware about the bar enclosed in Section 18 of the SC/ST Act, however, taking into account the material (supra) brought to the fore by the learned senior

counsel for the appellant, *prima facie* one of the allegations levelled by the respondent No.2 is found to be false by the investigating agency. Consequently, at this stage, this Court deems it appropriate to grant the asked for relief to the appellant. Therefore, the impugned order dated 30.10.2024 is hereby set aside.

6. The appellant is directed to, within 15 days from today and/or as and when called, join the investigation and appear before the investigating agency and make full cooperation. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

7. It is clarified that, in case, the appellant fails to join the investigation within 15 days, the relief granted hereinabove shall stand *ipso facto* vacated without any further reference to this Court.

8. Disposed of accordingly.

November 07, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No